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U.S. DISTRICT COURT E.D.N.Y.

★ FEB 26 2009 ★

BROOKLYN OFFICE

February 18, 2009

Xavier Donaldson, Esq.
103 E. 125th Street
Suite 1102
New York, NY 10035

(Q-64-Aleb VFB)

Dear Mr. Donaldson:

I spoke with you briefly on February 17, 2009 about my date for sentencing and to no avail I still do not have a date. You stated you did not have a PSIR returned to you yet. Also I have been asking you for the following items for the past 18 months and you have not provided me with anything I asked for. I have been pleading with you for these items and you don't seem to understand how vital this situation is!! I plead guilty to a one count RICO June 4, 2008 to a charge which carries a statute of 0 to life. I have been here without discovery since December 27, 2006 when I was transferred from G.E.O Correctional Facility. My discovery never followed me and I never received it.

I have also been asking you for the past 18 months to mail me the 108 pages of missing transcripts of Mr. Mosley's testimony. You never sent that either. I have been asking you for the past two years for the crime scene photos and you failed to furnish me with that request also. Not only have you failed to comply with these requests, you have also failed to provide me with a copy of the Affidavit of Complaint which warranted my arrest. I told you that I needed these documents to fight my case and for my mitigating circumstances, which you seem to be too preoccupied to obtain. I asked you for a copy of my retainer agreement, a copy of

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my rap sheet, a copy of my criminal history points and an update on my case and the answers have been identical - "I'll see what I can do!" You have been "seeing what you could do" for the past 31 months. Mr. Donaldson, this is my life at stake. I took the plea agreement because you convinced me it would be the best possible solution for me. So I did it 8 months ago. I feel that I have been misled in a way.

Please send me every document you have pertaining to my case along with crime scene photos, missing transcripts, Complaint of Affidavit, my discovery disc, rapsheet, criminal history points, retainer agreement and - **most importantly** - I would like to know why they are switching my Judge? He is most familiar with my case. He sentenced two of my co-defendants already and knows my case inside and out. I want to know what reason they have for switching the judge and what does this mean for me?

Mr. Donaldson, I may seem very aggravated by the tone of my letter and I am. I understand this is another case to you but this is my life we are discussing. I am very concerned and you are disregarding all of my requests and are passifying me with general answers. I know that you don't have all the answers but please help me. I need answers now more than ever.

I would greatly appreciate a face to face visit because I need to know what we can do to salvage what we can in order to receive the shortest sentence **possible!** The switching of the judge is really bothering me. Why? Block is a great judge. I really don't want to be switched without a valid reason.

Please respond ASAP and set out some time to come see me face to face please!! Thank you in advance.

Respectfully,

Russell Allen

Copy to: Honorable Judge Fredrick Block
District Judge, Eastern District of New York

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